

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01129-EGS**

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA
UNIVERSITY et al v. DEPARTMENT OF DEFENSE et al

Assigned to: Judge Emmet G. Sullivan

Case: 1:16-cv-01256-EGS

Cause: 05:552 Freedom of Information Act

Date Filed: 05/11/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**KNIGHT FIRST AMENDMENT
INSTITUTE AT COLUMBIA
UNIVERSITY**

represented by **Alexander Abraham Abdo**
KNIGHT FIRST AMENDMENT
INSTITUTE AT COLUMBIA
UNIVERSITY
475 Riverside Drive
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LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Arthur B. Spitzer
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ATTORNEY TO BE NOTICED

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AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
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ATTORNEY TO BE NOTICED

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION**

represented by **Alexander Abraham Abdo**
(See above for address)
LEAD ATTORNEY

PRO HAC VICE
ATTORNEY TO BE NOTICED

Arthur B. Spitzer
(See above for address)
ATTORNEY TO BE NOTICED

Brett Max Kaufman
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ATTORNEY TO BE NOTICED

Jameel Jaffer
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**

represented by **Alexander Abraham Abdo**
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LEAD ATTORNEY
PRO HAC VICE
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Arthur B. Spitzer
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Brett Max Kaufman
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ATTORNEY TO BE NOTICED

Jameel Jaffer
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF DEFENSE

represented by **Tamra Tyree Moore**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
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Washington, DC 20005
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF THE ARMY

represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Tamra Tyree Moore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF JUSTICE

represented by **Tamra Tyree Moore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL**

represented by **Tamra Tyree Moore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF JUSTICE,
NATIONAL SECURITY DIVISION**

represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF STATE

represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE**

represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF THE AIR FORCE

represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

UNITED STATES COAST GUARD

represented by **Tamra Tyree Moore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DRUG ENFORCEMENT
ADMINISTRATION**

represented by **Tamra Tyree Moore**
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ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF HOMELAND
SECURITY**

represented by **Tamra Tyree Moore**
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ATTORNEY TO BE NOTICED

Defendant**DEFENSE INTELLIGENCE AGENCY**represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****DEPARTMENT OF ENERGY**represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****DEPARTMENT OF THE TREASURY**represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****MARINE CORPS**represented by **Tamra Tyree Moore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****DEPARTMENT OF THE NAVY**represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****NATIONAL
GEOSPATIAL-INTELLIGENCE
AGENCY**represented by **Tamra Tyree Moore**
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ATTORNEY TO BE NOTICED**Defendant****NATIONAL RECONNAISSANCE
OFFICE**represented by **Tamra Tyree Moore**
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ATTORNEY TO BE NOTICED**Defendant****NATIONAL SECURITY AGENCY**represented by **Tamra Tyree Moore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/11/2018	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEFENSE INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF THE ARMY, DEPARTMENT OF THE NAVY, DEPARTMENT OF TREASURY, DRUG ENFORCEMENT ADMINISTRATION, FEDERAL BUREAU OF INVESTIGATION, MARINE CORPS, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL RECONNAISSANCE OFFICE, NATIONAL SECURITY AGENCY, NATIONAL SECURITY DIVISION,

		OFFICE OF LEGAL COUNSEL, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES COAST GUARD (Filing fee \$ 400 receipt number 0090-5477279) filed by AMERICAN CIVIL LIBERTIES UNION, KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Attachment C, # <u>4</u> Civil Cover Sheet, # <u>5</u> Rule 7.1 Form, # <u>6</u> Notice of related case, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Summons, # <u>10</u> Summons, # <u>11</u> Summons, # <u>12</u> Summons, # <u>13</u> Summons, # <u>14</u> Summons)(Jaffer, Jameel) (Entered: 05/11/2018)
05/11/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION, KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY (zsb) (Entered: 05/16/2018)
05/11/2018	<u>3</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 16-1256-EGS. (zsb) (Entered: 05/16/2018)
05/12/2018	<u>4</u>	NOTICE of Appearance by Arthur B. Spitzer on behalf of All Plaintiffs (Spitzer, Arthur) (Entered: 05/12/2018)
05/16/2018		Case Assigned to Judge Emmet G. Sullivan. (zsb) (Entered: 05/16/2018)
05/16/2018	<u>5</u>	SUMMONS (8) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, DEPARTMENT OF THE TREASURY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 05/16/2018)
05/17/2018	<u>6</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 05/17/18. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 05/17/2018)
05/30/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF THE TREASURY served on 5/24/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF HOMELAND SECURITY served on 5/23/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 5/24/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF ENERGY served on 5/23/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 5/24/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF STATE served on 5/24/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF DEFENSE served on 5/23/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE served on 5/24/2018 (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)

05/30/2018	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/24/2018. (Jaffer, Jameel) (Entered: 05/30/2018)
05/30/2018	<u>16</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/24/2018. Answer due for ALL FEDERAL DEFENDANTS by 6/23/2018. (Attachments: # <u>1</u> Supplement)(Jaffer, Jameel) (Entered: 05/30/2018)
06/05/2018	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Alex Abdo, :Firm– Knight First Amendment Institute at Columbia University, :Address– 475 Riverside Drive, Suite 302, New York, NY 10115. Phone No. – (646) 745–8500. Filing fee \$ 100, receipt number 0090–5517935. Fee Status: Fee Paid. by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION, KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY (Attachments: # <u>1</u> Declaration of Alex Abdo, # <u>2</u> Text of Proposed Order)(Jaffer, Jameel) (Entered: 06/05/2018)
06/11/2018		MINUTE ORDER granting <u>17</u> motion to appear pro hac vice. Alex Abdo is hereby admitted to this action pro hac vice. Signed by Judge Emmet G. Sullivan on June 11, 2018. (lcegs2) (Entered: 06/11/2018)
06/22/2018	<u>18</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,,, by CENTRAL INTELLIGENCE AGENCY, DEFENSE INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF JUSTICE, NATIONAL SECURITY DIVISION, DEPARTMENT OF JUSTICE, OFFICE OF LEGAL COUNSEL, DEPARTMENT OF STATE, DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF THE ARMY, DEPARTMENT OF THE NAVY, DEPARTMENT OF THE TREASURY, DRUG ENFORCEMENT ADMINISTRATION, FEDERAL BUREAU OF INVESTIGATION, MARINE CORPS, NATIONAL GEOSPATIAL–INTELLIGENCE AGENCY, NATIONAL RECONNAISSANCE OFFICE, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES COAST GUARD (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 06/22/2018)
06/22/2018		MINUTE ORDER granting <u>18</u> consent motion for extension of time to answer complaint. The defendants are therefore ordered to answer or otherwise respond to the complaint by no later than August 6, 2018. Signed by Judge Emmet G. Sullivan on 6/22/2018. (lcegs3) (Entered: 06/22/2018)
06/25/2018		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To The Complaint due by 8/6/2018. (mac) (Entered: 06/25/2018)
06/27/2018	<u>19</u>	NOTICE of Appearance by Brett Max Kaufman on behalf of All Plaintiffs (Kaufman, Brett) (Entered: 06/27/2018)
07/02/2018	<u>20</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF STATE served on 6/19/2018 (Jaffer, Jameel) (Entered: 07/02/2018)
08/06/2018	<u>21</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by CENTRAL INTELLIGENCE AGENCY, DEFENSE INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF JUSTICE, NATIONAL SECURITY DIVISION, DEPARTMENT OF JUSTICE, OFFICE OF LEGAL COUNSEL, DEPARTMENT OF STATE, DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF THE ARMY, DEPARTMENT OF THE NAVY, DEPARTMENT OF THE TREASURY, DRUG ENFORCEMENT ADMINISTRATION, FEDERAL BUREAU OF INVESTIGATION, MARINE CORPS, NATIONAL GEOSPATIAL–INTELLIGENCE AGENCY, NATIONAL RECONNAISSANCE OFFICE, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES COAST GUARD (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 08/06/2018)

08/07/2018		MINUTE ORDER granting <u>21</u> defendants' consent motion for extension of time to respond to complaint. Defendants are ordered to answer or otherwise respond to the complaint by no later than August 9, 2018. Signed by Judge Emmet G. Sullivan on 8/7/2018. (lcegs2) (Entered: 08/07/2018)
08/08/2018		Set/Reset Deadlines/Hearings: Answer or other response to Complaint due by 8/9/2018. (zcdw) (Entered: 08/08/2018)
08/09/2018	<u>22</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY, DEFENSE INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF JUSTICE, NATIONAL SECURITY DIVISION, DEPARTMENT OF JUSTICE, OFFICE OF LEGAL COUNSEL, DEPARTMENT OF STATE, DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF THE ARMY, DEPARTMENT OF THE NAVY, DEPARTMENT OF THE TREASURY, DRUG ENFORCEMENT ADMINISTRATION, FEDERAL BUREAU OF INVESTIGATION, MARINE CORPS, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL RECONNAISSANCE OFFICE, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES COAST GUARD.(Moore, Tamra) (Entered: 08/09/2018)
10/02/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than November 30, 2018. The parties joint proposed scheduling order shall address the following: (1) The status of plaintiffs FOIA request; (2) The anticipated number of documents responsive to plaintiffs FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiffs FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 10/2/2018. (lcegs2) (Entered: 10/02/2018)
10/02/2018		Set/Reset Deadlines: Joint Scheduling Order due by 11/30/2018. (mac) (Entered: 10/02/2018)
11/30/2018	<u>23</u>	Consent MOTION for Extension of Time to <i>File Joint Scheduling Order</i> by CENTRAL INTELLIGENCE AGENCY, DEFENSE INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF JUSTICE, NATIONAL SECURITY DIVISION, DEPARTMENT OF JUSTICE, OFFICE OF LEGAL COUNSEL, DEPARTMENT OF STATE, DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF THE ARMY, DEPARTMENT OF THE NAVY, DEPARTMENT OF THE TREASURY, DRUG ENFORCEMENT ADMINISTRATION, FEDERAL BUREAU OF INVESTIGATION, MARINE CORPS, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL RECONNAISSANCE OFFICE, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES COAST GUARD (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 11/30/2018)
12/10/2018	<u>24</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/10/2018. Answer due for ALL FEDERAL DEFENDANTS by 1/9/2019. (Attachments: # <u>1</u> Tracking numbers, # <u>2</u> Delivery confirmation)(Jaffer, Jameel) Modified on 12/10/2018 (jf). (Entered: 12/10/2018)
12/10/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>24</u> Summons Returned Executed in FOIA as to U.S. Attorney, was entered in error at the request of counsel and will be refiled in the correct case.(jf) (Entered: 12/10/2018)
12/21/2018	<u>25</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEFENSE INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF

	ENERGY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF JUSTICE, NATIONAL SECURITY DIVISION, DEPARTMENT OF JUSTICE, OFFICE OF LEGAL COUNSEL, DEPARTMENT OF STATE, DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF THE ARMY, DEPARTMENT OF THE NAVY, DEPARTMENT OF THE TREASURY, DRUG ENFORCEMENT ADMINISTRATION, FEDERAL BUREAU OF INVESTIGATION, MARINE CORPS, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL RECONNAISSANCE OFFICE, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES COAST GUARD. (Moore, Tamra) (Entered: 12/21/2018)
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